

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE	:	CHAPTER 7
	:	
PAUL GRAYSON TAYLOR, III,	:	CASE NO. 17-66732-BEM
	:	
Debtor.	:	
	:	
_____	:	_____
BMW FINANCIAL SERVICES NA,	:	
LLC,	:	
	:	
Movant,	:	
	:	CONTESTED MATTER
v.	:	
	:	
PAUL GRAYSON TAYLOR, III, Debtor;	:	
and M. DENISE DOTSON, Trustee,	:	
	:	
Respondents.	:	
	:	
	:	

NOTICE OF HEARING

PLEASE TAKE NOTICE that **BMW Financial Services NA, LLC** has filed a Motion for Relief from Automatic Stay and related papers with the Court seeking an order of relief from the Automatic Stay.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion for Relief from Automatic Stay, in Courtroom 1402, The Richard B. Russell Federal Building, 75 Ted Turner Drive, SW, Atlanta, Georgia at 9:30 am on November 14, 2017.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings, or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is

received by the Clerk at least two business days before the hearing. The address for the Clerk's Office is: Clerk, United States Bankruptcy Court, Room 1340, U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

IF THE MOTION IS FOR RELIEF FROM STAY, and a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consent to the automatic stay remaining in effect until the Court orders otherwise.

Dated: October 30, 2017

Signature: /s/Philip L. Rubin

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Bar Number 618525

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_____ BMW FINANCIAL SERVICES NA, LLC,	:	_____
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Movant,	:	
	:	CONTESTED MATTER
v.	:	
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PAUL GRAYSON TAYLOR, III, Debtor; and M. DENISE DOTSON, Trustee,	:	
	:	
Respondents.	:	
	:	
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MOTION FOR RELIEF FROM AUTOMATIC STAY

NOW COMES BMW FINANCIAL SERVICES NA, LLC (the "Movant") and moves this Court for relief from the automatic stay and shows the Court as follows:

1.

On September 26, 2017, Paul Grayson Taylor, III ("Debtor") filed a Voluntary Petition pursuant to 11 U.S.C. Chapter 7, and said case is pending before this Court.

2.

Movant has a net claim in this case secured by a first priority lien against Debtor's vehicle, to wit: 2012 BMW 550I (the "Collateral"). The approximate payoff is \$37,117.56. Loan documents supporting the claim are served herewith on the parties. Debtor is currently delinquent \$1,820.96 to Movant.

3.

Movant does not have proof of insurance protecting its interest in the Collateral or has been advised that there is no insurance in force.

4.

Debtor does not have equity in the Collateral and the Collateral is not necessary to a reorganization that is in prospect. There is no equity in the Collateral to benefit the estate and the Trustee's interest should be abandoned.

5.

Cause exists including the lack of adequate protection to grant Movant relief from the automatic stay so as to authorize Movant to recover and dispose of the Collateral. Movant requests the right to file an amended proof of claim after liquidation of the Collateral.

6.

Movant requests that Bankruptcy Rule 4001(a)(3) be waived.

WHEREFORE, Movant prays that this Court:

(a) Hold a hearing pursuant to this Motion within thirty (30) days as is required under 11 U.S.C. Section 362(e);

(b) Grant Movant relief from the automatic stay under 11 U.S.C. Section 362(d) so as to allow Movant to recover and dispose of the Collateral and to apply the net proceeds generated therefrom to its claim in this case, and if the disposition results in a deficiency, amend its claim filed in this case, subject to objection;

(c) Rule 4001(a)(3) be waived; and

(d) Grant such other and further relief as the Court deems to be just and proper.

This October 30, 2017.

The Law Office of
LEFKOFF, RUBIN, GLEASON & RUSSO, P.C.
Attorneys for Movant

By: /s/ Philip L. Rubin
Philip L. Rubin
Georgia State Bar No. 618525

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and M. DENISE DOTSON, Trustee,	:	
	:	
Respondents.	:	
	:	
	:	

CERTIFICATE OF SERVICE

The undersigned, Philip L. Rubin, hereby certifies that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that I served the MOTION FOR RELIEF FROM AUTOMATIC STAY and NOTICE OF HEARING on the following parties 1) electronically, if allowed by and pursuant to the requirements of local rule, or 2) by depositing same in the United States Mail in properly addressed envelope(s) with adequate postage to all others, as follows:

Paul Grayson Taylor, III
607 Young Ave.
Chattanooga, TN 37405

M. Denise Dotson
Chapter 7 Trustee
170 Mitchell Street
Atlanta, GA 30303

This October 30, 2017.

The Law Office of
LEFKOFF, RUBIN, GLEASON & RUSSO, P.C.
Attorneys for Movant

By: /s/ Philip L. Rubin
Philip L. Rubin
Georgia State Bar No. 618525

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